

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Arra E. AVAKIAN et al.	§	Confirmation No.:	1119
		§		
Serial No.:	10/640,620	§	Group Art Unit:	2193
		§		
Filed:	08/12/2003	§	Examiner:	Tuan A. Vu
		§		
For:	Using Interceptors and	§	Docket No.:	10017134-1
	Out-of-Band Data to	§		
	Monitor the Performance	§		
	of JAVA 2 Enterprise	§		
	Edition (J2EE)	§		

REPLY BRIEF

Mail Stop Appeal Brief – Patents

Date: July 27, 2009

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

Appellants hereby submit this Reply Brief in response to the Examiner's Answer dated May 29, 2009, in connection with the above-identified application.

On pages 26–27 of Examiner's Answer, Examiner states

And the sequence of calls (using middleware and context, partner correlator) from top flow to bottom flow as shown in Labadie (Fig. 6A–C) discloses that recording or capturing metrics are configured inside the stream calling sequence (forward and backward—as in send/receive—to read on “cross-correlate”), which fulfills “cross-correlate a performance metric corresponding to a parent transaction with one or more . . . metrics corresponding to one or more child transactions.”

However, a sequence of calls for correlators fails to teach or suggest cross-correlation of performance metrics of parent and child transactions as is required by the claims. For at least this reason, Examiner erred and the rejections should be reversed.

Appl. No. 10/640,620
Reply Brief dated July 27, 2009
Reply to Examiner's Answer of May 29, 2009

For the reasons stated in Appellants' Appeal Brief and this Reply Brief, Appellants respectfully request that Examiner's rejections be reversed and that the claims be permitted to issue. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Development Company's Deposit Account No. 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,

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